

DOCKETED

AUG 22 2002

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

FILED

MAGISTRATE JUDGE BOBRICK

v.

JAN 11 2002

CRIMINAL COMPLAINT

TIMOTHY STONE

(Name and Address of Defendant)

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

CASE NUMBER:

02CR0053

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Between on or about January 1999 and February 2000, in Cook county, in the Northern District of Illinois and elsewhere defendant(s) did, (Track Statutory Language of Offense)

knowingly conspire with others to possess with the intent to distribute and distribute more than 100 kilograms of marijuana, a Schedule I Controlled Substance

in violation of Title 21 United States Code, Section(s) 846

I further state that I am a(n) Special Agent with DEA and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

JAN 11 2002

Date

at **Chicago, Illinois**
City and State

Edward A. Bobrick
Name & Title of Judicial Officer

Edward A. Bobrick
Signature of Judicial Officer

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A F F I D A V I T

I James Loring, after being sworn state as follows:

1. I am a special agent for the Drug Enforcement Administration (DEA) and have been so employed for approximately five and one half years. In that capacity I have received specialized training in the investigation and prosecution of narcotics traffickers. In particular, I have received training and I have experience in conducting Title III wire tap investigations involving the illegal sale and possession of controlled substances. I have spent substantial number of hours listening to conversations of narcotics traffickers. I have supervised and conducted surveillance of narcotics traffickers based upon information received from electronic wire tap investigations. I am familiar with code words typically utilized by narcotics traffickers. I am also familiar with many typical methods of operation of narcotics traffickers. Prior to being a DEA agent I was a police officer in Colorado. I have been involved in the past with undercover narcotics investigations and I am familiar with the current price of various illegal substances.
2. This affidavit is being prepared for the purpose of establishing probable cause for the arrest of the following individual:
 1. Timothy Stone, a white male with a dob of 5/25/64.
2. This affidavit is based upon an investigation conducted by myself and other law enforcement agents. I have consulted with several law enforcement agents throughout the country and have received information from various members of the public. The information contained in this affidavit is being offered for the sole purpose of establishing probable cause and does not exhaust all of the information that I am aware of as a result of this investigation.
3. On or about January 23, 2001, at a border patrol point in Desert Heaven, TX, at the direction of DEA agents, United States Border Patrol agents seized approximately 246 pounds (approximately 111 kilograms) of marijuana from a 1994 Ford Econoline van with a narcotics trap located inside. The agents arrested the driver of the vehicle, who was identified as Sherry Erickson, a white female with a dob of 1/25/70.
4. Prior to the above described seizure, on or about December 15, 2000, I obtained an order from Chief United States District Judge Marvin E. Aspen authorizing the interception of electronic communications to and from telephone number (847)-271-5208, which is a cellular telephone subscribed to Daniel Villalobos at 813 Washburn, Elgin, IL. The interception of this telephone began immediately. I obtained an additional order to continue the interception on January 12, 2001 and February 12, 2001. Thus, with the exception of a few days the interception lasted from December 15, 2000 through March 9, 2001. Throughout much of the interception, I and other agents conducted surveillance on known targets of this investigation.
5. On or about January 12, 2001, we began intercepting conversations about a shipment of narcotics from Mexico to the United States. For

example, on January 12, 2001, at approximately 7:44 PM, Mario Villalobos talked to Charlene Stone and said, "he stopped by Eddies and everything is ready." Charlene Stone replied, "good I'll try to do it." Mario Villalobos, male Hispanic with a dob of 4/1/70 was the original target of the investigation. Previous investigation had determined that Charlene Stone was a white female accomplice of Mario Villalobos who lived in Tuttle, Oklahoma. On or about January 18, 2001, an unknown male called Mario Villalobos at approximately 6:48 PM and asked Mario if "he had some of the other?" Mario answered, "no, next week." The unknown male replied he needed a "quoted on three or four and a quote on a half of one." Mario replied, "not until next week." The unknown male then asked, "how much do you want for it?" Mario replied, "six a piece." On or about January 20, 2001 at approximately 10:05 AM, a Jerry Last Name Unknown (LNU) called Mario Villalobos and asked Mario, "are you going to be able to do me any good today?" Mario Villalobos replied, "I'll call you on Wednesday." Based upon these conversations, we believed that a shipment of narcotics would be coming the following week and that Charlene Stone would deliver it. It should be noted that during the time frame of many of the above calls, Mario Villalobos was seen by surveillance agents in the Chicago area.

6. On or about January 22, 2001 at 10:22 AM, Mario Villalobos called Charlene Stone and Charlene Stone told Mario, "that she is leaving in a few minutes to take her grandson to Hobbs (New Mexico) so she would probably be there tomorrow." Based upon this call, agents believed she would pick up the narcotics from Mexico the next day.
7. On or about January 22, 2001, law enforcement agents conducted a surveillance of Charlene Stone in Tuttle, OK. Between January 22, 2001 and January 23, 2001, she was followed to El Paso, TX. On January 22, 2001, Mario Villalobos called Jesus Munoz and said, "Mrs (Charlene Stone) is going over there tomorrow."
8. On or about January 23, 2001, at approximately 4:45 PM, agents saw Charlene Stone cross the border on foot into Juarez, Mexico. At approximately 8:14 PM Jesus Munoz called Mario Villalobos and said, "everything went fine." Jesus Munoz further said, "they sent them to the check point and they told her to go ahead." Mario Villalobos said, "that's fine, I was very worried."
9. Shortly after intercepting the telephone call described in paragraph 9 above, Charlene Stone was seen arriving in El Paso driving a 1994 Ford Econoline van bearing New Mexico license plates. Charlene Stone drove the van to a hotel in El Paso. A short time later, Sherrie Erickson and her 13 year old son were seen entering the van and departed the hotel parking lot. At approximately 11:30 PM, border patrol agents stopped the van and found approximately 246 pounds of marijuana concealed in the ceiling of the van.
10. After the above described seizure, Mario Villalobos was intercepted talking about this seizure. For example, on or about January 24, 2001, at 9:38 AM, Jesus Munoz called Mario Villalobos and Mario Villalobos told Munoz to look for a lawyer and if he needs money to call him. On January 24, 2001 at 12:59 PM, Charlene stone called Mario Villalobos and said, "Sherry go busted." Mario replied, "I

found out through Steve." Charlene Stone replied, "I didn't go to get the other one, I am afraid to."

11. Thus, from the above events, I and other agents confirmed our suspicions that Mario Villalobos was the destination of the above described seized marijuana, and that Charlene Stone and Sherry Erickson were employed by Mario Villalobos to transport the marijuana from Mexico to Elgin, IL.
12. Based upon the facts related above, on March 29, 2001 Magistrate Judge Sidney I Schenkier issued a criminal complaint for the arrest of Charlene Stone. On April 3, 2001, I and other agents arrested Charlene Stone in Tuttle, OK. After her arrest, Charlene Stone waived her Miranda Rights and gave me a statement regarding her involvement in narcotics trafficking. During this interview, Charlene Stone said that between June 2000 and December 2000 she drove eight vans containing marijuana from Mexico to Elgin, IL and Albuquerque, NM for Mario Villalobos. In return for driving these vans, Charlene Stone was paid \$2000 United States Currency (USC) by Villalobos through Jesus Munoz. Charlene Stone identified Jesus Munoz as the person in Mexico who would give her the vans loaded with marijuana. Charlene Stone said she was first introduced to Mario Villalobos by her son, Timothy Stone in Juarez, Mexico in April, 2000. Charlene Stone explained that during this meeting, Villalobos asked her to drive vans from Mexico to Elgin, IL. Charlene Stone also stated that her daughter, Sherry Erickson, had been driving load vehicles for Mario Villalobos before she started. Charlene Stone was unaware of how many loads Sherry Erickson had transported.
13. On August 1, 2001 I interviewed Sherry Erickson in the Kermit County Jail, Kermit, TX, in regards to her narcotics trafficking activity. Sherry Erickson's attorney had agreed to the interview. During this interview, Sherry Erickson explained that her brother, Timothy Stone, had been driving vehicles containing marijuana from El Paso, TX to Chicago, IL for Mario Villalobos and Sergio Balderas. In February 2000, Sherry Erickson was visiting her mother, Charlene Stone, in OK. While at her mothers house, her brother, Timothy Stone introduced her to Sergio Balderas. During this initial meeting, Sergio Balderas asked Sherry Erickson to drive a van from El Paso, TX to Hobbs, NM. Erickson did so, and was paid \$5000 USC. She subsequently made approximately eight trips from El Paso, TX to Elgin, IL and Finley, OH for Villalobos in vans containing marijuana. Sherry Erickson stated that in February 2000, Timothy Stone accompanied her on one of these trips.
14. Sherry Erickson related that she did not believe that Timothy Stone was still driving load vehicles for Mario Villalobos, because Timothy Stone had stolen \$25,000 in narcotics proceeds from Sergio Balderas. Sherry Erickson assumed that the reason Mario Villalobos continued to use her and her mother to transport narcotics was so that they (Villalobos' organization) could find Timothy Stone and kill him.
15. On August 2, 2001, I and other agents went to Timothy Stone's residence in Clyde, TX in an attempt to interview him. Upon arrival, we went to the front door of the residence and knocked. No one answered. Agents then walked towards the side entrance of the residence. Upon reaching the side of the house, Agents smelled a

strong odor of marijuana. Agents walked towards the odor and observed 4 marijuana plants, each approximately 5' in height, growing in the side yard to the house. The plants were well cultivated, i.e., they had been recently watered, and a hose with a spigot attached was laying in the front of the plants. Several chairs were set-up around the plants, as well as a table with a radio on it.

16. Agents returned to the front of the residence and waited for Timothy Stone to return home. A short time later, a representative of Stone's mortgage company drove up to the front of the home. The representative told agents that Stone was several months behind in his mortgage payment. The representative added that Stone's wife, Tina Stone, had told the mortgage company that Timothy Stone had separated from her and had moved away. The mortgage representative gave agents a telephone number for Tina Stone's place of employment.
17. As agents did not believe that anyone was home, they departed the residence and attempted to find Tina Stone. Through the telephone number given to them by the mortgage representative, agents identified Tina Stone's place of employment and spoke with Tina Stone's employer. The employer told agents that Tina Stone was off.
18. Agents returned to Stone's residence. No vehicles were present; however, the marijuana plants had been chopped down. A short time after officers arrived at the home, Tina Stone walked outside via the front door. Tina Stone admitted that the marijuana plants belonged to her, and she had cut them down and brought them inside the house. Officers asked for entry into the home, and Tina Stone invited them inside.
19. Once inside, agents asked for permission to search the residence. Tina Stone signed a search waiver and allowed officers to search the home. During the search, SA Woods recovered 4 marijuana plants and marijuana residue from the children's bedroom and bathroom of the home. Two of the plants had been replanted in a flower pot in the bathtub. The other two marijuana plants had been hung up in the children's room "to dry out."
20. Also recovered during the search were miscellaneous photographs taken in Chicago, IL by the Stones in November, 1999, and miscellaneous documents. One of the documents was a handwritten note to Timothy Stone from Tina Stone, in which Tina Stone stated that the police had found "you know what" and taken her to jail.
21. Agents interviewed Tina Stone in reference to her involvement in transporting narcotics to Illinois and Ohio. Tina Stone stated that she was aware that Timothy Stone was driving vans to Illinois and Ohio for an individual known as "Sergio" (identified as Sergio Balderas by Timothy Stone). Tina Stone indicated that Balderas drove a blue van to the Stone house while they resided in Grand Prairie, TX. Tina Stone registered this van in her name, and Timothy Stone used the van to drive narcotics from El Paso, TX to Illinois and Ohio.
22. According to Tina Stone, Timothy Stone would go to Juarez, Mexico or El Paso, TX and pick up a van from an unknown Mexican male. Timothy Stone would then drive the van to Finley, OH or Chicago, IL. Tina

Stone indicated that Cody English, Tina's brother, went to Chicago, IL and Finley, OH with Tim Stone.

23. Tina Stone was aware of the fact that Timothy Stone was being paid approximately \$3,000 to make these trips. Tina Stone indicated that Timothy Stone purchased her vehicles and gave her money for a down payment on the land that they (Stone's) now reside on. Tina Stone indicated that the money used to buy the vehicles and the land came from Timothy Stone driving the narcotics for Sergio Balderas.
24. At approximately 4:00 pm that day, agents approached Timothy Stone at his place of employment and he was asked to come to the Taylor County Sheriff's Office to talk. Stone agreed, and an interview with Timothy Stone began at approximately 4:50 pm.
25. Agents advised Timothy Stone of his Miranda Rights. Timothy Stone stated he understood his rights and waived those rights via a written rights waiver. Timothy Stone stated that he met Sergio Balderas in October or November of 1999. Timothy Stone was introduced to Balderas through Shane Chastain and Rob LNU (identified by DEA as Robert Canaday) while in Irving, TX. Balderas asked Timothy Stone to drive a van from El Paso, TX to Dallas, TX and stated that Timothy Stone would be paid \$3500.00 for the trip.
26. Balderas contacted Timothy Stone a second time and asked him to make the trip from El Paso, TX to Dallas, TX. Timothy Stone picked up that van and followed Shane Chastain through the border crossing. Timothy Stone saw Chastain get stopped by the border patrol so he kept driving on to Dallas, TX. Once he was in Dallas, Balderas contacted him (Timothy Stone) and told him not to call or talk to anybody, that Chastain had been arrested. Balderas then called Timothy Stone back and asked him to drive the van to Elgin, IL.
27. Timothy Stone stated that Shane Chastain was married to Robert Canaday. Canaday was previously married to Sergio Balderas' sister. According to Timothy Stone, Canaday and Chastain had been driving vans for Balderas prior to Timothy Stone's involvement.
28. Timothy Stone was asked if he knew what was in the vans that he was driving. Timothy Stone responded that he was unaware until after the third trip that he made for Balderas. After the third trip, Balderas told Timothy Stone that he was driving marijuana secreted in compartments in the van.
29. Timothy Stone stated that he made approximately eight to ten trips for Balderas. According to Timothy Stone, there were many loads being made between November 1999 and January 2000. Balderas had told Timothy Stone that the best time to "work" was the holidays. Timothy Stone made five trips between November 1999 and January 2000.
30. Timothy Stone was asked to explain what the protocol was when he was to drive a van for Balderas. Timothy Stone stated that he would get a call from Balderas to go to El Paso, TX and get a room at the La Quinta or Embassy Suites on I-10. Once there, he would call and "Eric" (Timothy Stone identified a photo of Jesus Munoz as Eric) or Balderas would come and get the van. They would keep the van for one

or two days before returning it. Once they returned the van, they would pay Timothy Stone cash and he would drive the van to Chicago, IL, Elgin, IL or Finley, OH. Once he arrived at the final destination, Timothy Stone would contact Balderas and somebody would come get the van for a few hours. Once the van was returned, Timothy Stone was told to drive the van straight back to El Paso, TX and call Balderas when he arrived. Again, somebody would come pick up the van.

31. Timothy Stone introduced Balderas to Charlene Stone (his mother) and Sherry Erickson (his sister). Balderas asked them to start driving vans, which they agreed to do for a cash payment.
32. Timothy approached Jerry Crockers and Troy Erickson to have them drive vans for Balderas also. By providing these drivers, Timothy Stone was given a payment, by Balderas, for every trip that they made.
33. According to Timothy Stone, Jerry Crocker was arrested in the Joliet, IL area with a loaded van. Immediately after his arrest, Troy Erickson was stopped and questioned while staying at a hotel (possibly Baymont Inn). Timothy Stone believed that Erickson's van was confiscated and six months later, Erickson was arrested for distributing marijuana.
34. Timothy Stone stated that at one time he went to a vacant house in El Paso, TX, that Jesus Munoz and Sergio Balderas utilized to store marijuana. Timothy Stone watched them load the marijuana into the top of the van.
35. Timothy Stone dropped one van off at a residence in Chicago, IL. He believed that this was Balderas' house. Timothy Stone stated that the house was not too far from Midway Airport.
36. Timothy Stone also dropped off a van at a residence in Finley, OH. He stated that the house was in the town of Breckenridge, Ohio.
37. Timothy Stone asked if he knew who Mario Villalobos was. Timothy Stone stated that he knew Villalobos to be the one in charge of the organization. Timothy Stone said that he saw Villalobos in Elgin, IL driving a red Lincoln Towne car. According to Timothy Stone, Jesus Munoz was in charge of getting the marijuana ready in Mexico. Balderas was in charge of arranging things in the U.S. and Villalobos would have "the last word" on how things would be done.
38. Timothy Stone said that on his first trips he was paid \$3500. On the third through fifth trip he was paid approximately \$4000. The last five trips he made he was paid \$10,000 per trip.
39. Timothy Stone was asked to explain why he stopped working for Balderas. Timothy Stone stated that he figured out that he was also transporting money from IL and OH back to TX and not getting paid for it. In addition, Balderas owed him money from previous trips Timothy Stone had taken. Timothy Stone took approximately \$25,000 out of the trap compartment in the van. Instead of taking the van to El Paso, TX as requested, Timothy Stone took the money and left the van at his cousin's house. Balderas and Munoz went to Hobbs, NM looking for the van and the money. Charlene Stone told him (Timothy) that there was a

contract out to kill Timothy Stone if he did not return the van and the money. Timothy Stone gave the van to Charlene Stone, who drove it back to El Paso, TX.

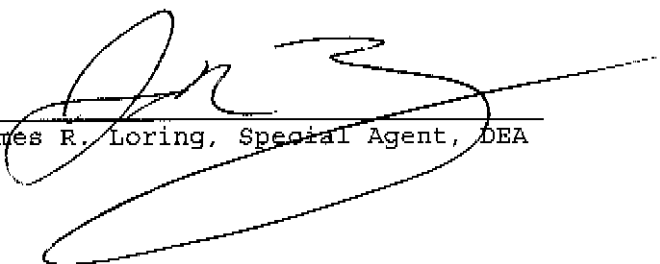
40. In addition to the previously related statements, I have corroborated several facts related via subsequent investigation. Through Administrative Subpoena to Western Union, I discovered that on February 21, 2001, Jesus Munoz wired \$1,200 USC from Chicago to Timothy Stone in Ft Worth, TX. In addition, on March 28, 2000, Charlene Stone wired \$100 from New Castle, OK to Timothy Stone in Finley, OH.

41. Also, I have discovered that on October 27, 1999, Shane Chastain was arrested in Sierra Blanca, TX while in possession of 351 pounds of marijuana. In a subsequent proffer, Chastain stated that on the day he had been arrested, he and Timothy Stone, at the behest of Mario Villalobos, transported two vans containing marijuana from Mexico to El Paso, TX. Stone was not apprehended.

FURTHER AFFIANT SAYETH NOT

Signed and sworn before me on January 10, 2002


Edward A. Bobrick, United States Magistrate Judge


James R. Loring, Special Agent, DEA